

REMARKS

At the time of the Office Action of June 19, 2007 (the "Action"), Claims 1-23 were pending. Claims 22-23 stand rejected under 35 U.S.C. 112, first paragraph, as allegedly based on a disclosure which is not enabling. Claim 22 stands rejected under 35 U.S.C. 112, second paragraph, as being allegedly indefinite. Claims 1-21 stands rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,024,548 to O'Toole ("O'Toole"). Claims 22-23 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 2002/0124181 to Nambu et al. ("Nambu").

Claims 1, 12, 17 and 23 have been amended as indicated above. Support for the amendments can be found, for example, in the specification on page 10, lines 13-17 (Claims 1, 12 and 17) and on page 11, line 10 - page 12, line 8 (Claim 23).

Applicants request consideration of the above amendments and submit that all pending claims are in condition for allowance for at least the reasons discussed below.

I. The 35 U.S.C. 112 Rejections

A. The 35 U.S.C. 112, First Paragraph, Rejections

The Action states that Claims 22-23 are based on a disclosure which is not enabling because it is not clear how the registration information of an unregistered device is obtained and how an unregistered device is detected. *See* the Action, page 2. As discussed on page 11, line 10 - page 12, line 8 of the specification, in some embodiments according to the invention, if the communications initiation device 304 determines that the device 308 is not registered because it is not in the registration database 310, it sends a communication 350 to the device at its IP address. The communication 350 can include a message requesting device registration and/or instructions regarding how to register a device.

Accordingly, Applicants submit that the specification clearly discloses how the registration information of an unregistered device is obtained or transmitted to the device, *e.g.*, a communication can be sent that includes a message requesting device registration and/or instructions regarding how to register a device. The specification also discloses how an unregistered device is detected, *e.g.*, by not being in the registration database. Therefore,

In re: Steven Lingafelt
Application number: 10/647,269
Filed: August 22, 2003
Page 8 of 11

Claims 22-23 satisfy the requirements of 35 U.S.C. 112, first paragraph. Applicants accordingly request that the rejections under 35 U.S.C. 112, first paragraph be withdrawn.

B. The 35 U.S.C. 112, Second Paragraph, Rejections

The Action states that Claim 22 is indefinite because “[c]ommunicating registration information to an unregistered device in the information technology structure” renders the claim indefinite. Claim 22 has been amended to recite that the antivirus software is used to communicate a request for device registration and/or instructions regarding how to register a device to the unregistered device when the message signature is detected. Claim 23 has been amended for consistency. Support for these amendments can be found on page 11, line 10 - page 12, line 8 of the specification.

Applicants submit that Claim 22 satisfies the requirements of 35 U.S.C. 112, second paragraph and requests that the rejection be withdrawn.

II. The 35 U.S.C. 102(e) Rejections

A. Claims 1-21 are Patentable over O'Toole

Claim 1 recites as follows:

A method of providing status information to a device attached to an information technology infrastructure utilizing a device data monitoring application resident at the device, the device monitoring application utilizing signature data to monitor data associated with the device and selectively provide messages based on a correspondence between signature data and data associated with the device, comprising:

incorporating a message signature in the signature data;
monitoring data associated with the device utilizing the device monitoring application so as to detect a presence of the message signature in the monitored data; and

providing a status message utilizing the device monitoring application if the presence of the message signature is detected in the monitored data, wherein the signature data includes computer virus signatures and the message signature is not related to a computer virus.

According to embodiments of the invention and as discussed, for example, in the specification on page 10, line 5 - 29, the signature data can include an antivirus signature list

of computer virus signatures. A message signature can be incorporated into the antivirus signature list, and the message signature is not related to a computer virus. Therefore, in some embodiments of the invention, an antivirus system may be used for non-malicious communication, including, *e.g.*, providing a request to register the device in an information technology infrastructure (Claim 6), providing instructions to register the device (Claim 7), and providing an emergency message (Claim 8).

In contrast, O'Toole proposes a change controller application that tracks modifications to a configuration of a computerized device by receiving a change request and preparing a change notification. *See* O'Toole, Abstract. The Action takes the position that O'Toole discloses "incorporating a message signature in the signature data" at column 13, lines 53-55. However, the cited portion of O'Toole discusses that the change controller can digitally sign a change notification message. O'Toole further states that "[i]n this manner, the change notification message 171 ... contains complete authentication information that uniquely identifies this change notification message 171 as originating from the computerized device 110..." *See* O'Toole, col. 13, lines 55-62. Therefore, the portions of O'Toole that the Action identifies as disclosing incorporating a message signature in the signature data do not disclose that the signature data includes computer virus signatures and that the message signature is not related to a computer virus as recited in Claim 1. O'Toole does not disclose or provide any motivation for incorporating a message signature that does not relate to a computer virus into signature data that includes computer virus signatures as recited in Claim 1.

Accordingly, Applicants submit that that at least this recitation of Claim 1 is not disclosed or rendered obvious by O'Toole as required by 35 U.S.C. 102. Independent Claims 12 and 17 include recitations similar to those of Claim 1 and are likewise patentable over O'Toole. Therefore, Applicants request that the rejections under 35 U.S.C. 102 of Claims 1, 12 and 17 and Claims 2-11 13-16 and 18-21 depending therefrom be withdrawn.

B. Claims 22-23 are Patentable over Nambu

Claim 22 recites as follows:

A method of communicating registration information to an
unregistered device in the information technology infrastructure

compromising:

using antivirus software to communicate a request for device registration and/or instructions regarding how to register a device to an unregistered device in the information technology infrastructure.

The Action takes the position that Nambu discloses the recitations of Claim 22 in paragraph

99. Applicants respectfully disagree. Paragraphs 98-100 are reproduced below:

[0098] The maintenance server 41 installs the vaccine software and pattern files in each of the user terminals 45a-45d by performing steps S51 to S56 which are described below.

[0099] For example, when user A activates the cellular phone 45a, the cellular phone 45a is connected to the maintenance server 41.

[0100] At step S51, the new anti-virus processing program 51 of the maintenance server 41 reads the user-related information 54a of user A from the second information file 54 by means of the user information processing program 51b.

Applicants submit that the above portions of Nambu cited in the Action do not disclose or render obvious using antivirus software to communicate a request for device registration and/or instructions regarding how to register a device to an unregistered device in the information technology infrastructure as recited in Claim 22. In particular, the anti-virus processing program of Nambu receives user-related information; however, the above portions of Nambu do not disclose that the anti-virus processing program (which the Action identifies as equivalent to antivirus software) communicates registration information to the cellular phone (which the Action identifies as the unregistered device). Applicants further disagree with the Action's apparent position that the cellular phone is an unregistered device. The cellular phone of Nambu is not an unregistered device, particularly after the phone is connected to the maintenance server and the user-related information associated with the cellular phone is read by the antivirus processing program. Therefore, Nambu does not disclose or render obvious using antivirus software to communicate a request for device registration and/or instructions regarding how to register a device to an unregistered device in the information technology infrastructure as recited in Claim 22.

For at least these reasons, Applicants submit that Nambu does not disclose or render obvious the recitations of Claim 22 and Claim 23 depending therefrom as required by 35

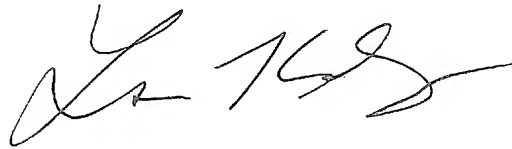
In re: Steven Lingafelt
Application number: 10/647,269
Filed: August 22, 2003
Page 11 of 11

U.S.C. 102. Accordingly, Applicants request that the rejections of Claims 22-23 be withdrawn.

CONCLUSION

Accordingly, Applicants submit that the pending claims are in condition for allowance.

Respectfully submitted,

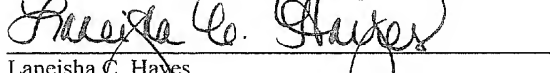


Laura M. Kelley
Attorney For Applicants
Registration No. 48,441

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

Certificate of Electronic Transmission 37 CFR 1.8

I hereby certify that this correspondence is being filed electronically to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 19, 2007.



Lanceisha C. Hayes
Date of Signature: September 19, 2007